



Practitioner's Docket No 56,520 (70904)
PATENT

82812
Vfw

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: M. Koden, et al. Conf. No.: 7040
Application No.: 09/937,796 Group No.: 2872
Filed: January 28, 2002 Examiner: Lavarias, A.
For: OPTICAL CONTROL DEVICE AND METHOD OF DRIVING THE SAME

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

AMENDMENT TRANSMITTAL

- Transmitted herewith is an amendment for this application.

STATUS

- Applicant is
 - [] a small entity. A statement:
 - [] is attached.
 - [] was already filed.
 - [X] other than a small entity.

EXTENSION OF TERM

NOTE: "Extension of Time in Patent Cases (Supplement Amendments) -- If a timely and complete response has been filed after a Non-Final Office Action, an extension of time is not required to permit filing and/or entry of an additional amendment after expiration of the shortened statutory period.

If a timely response has been filed after a Final Office Action, an extension of time is required to permit filing and/or entry

CERTIFICATE OF MAILING/TRANSMISSION (37 C.F.R. SECTION 1.8(a))

I hereby certify that, on the date shown below, this correspondence is being:

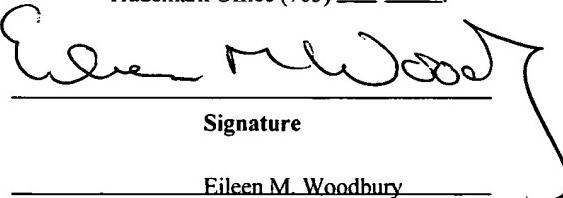
MAILING

- [x] deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

Date: May 14, 2004

FACSIMILE

- [] transmitted by facsimile to the Patent and Trademark Office (703) _____



Signature

Eileen M. Woodbury
(type or print name of person certifying)

of a Notice of Appeal or filing and/or entry of an additional amendment after expiration of the shortened statutory period unless the timely-filed response placed the application in condition for allowance. Of course, if a Notice of Appeal has been filed within the shortened statutory period, the period has ceased to run." Notice of December 10, 1985 (1061 O.G. 34-35).

NOTE: See 37 C.F.R. Section 1.645 for extensions of time in interference proceedings, and 37 C.F.R. Section 1.550(c) for extensions of time in reexamination proceedings.

3. The proceedings herein are for a patent application and the provisions of 37 C.F.R. Section 1.136 apply.

(complete (a) or (b), as applicable)

- (a) [] Applicant petitions for an extension of time under 37 C.F.R. Section 1.136 (fees: 37 C.F.R. Section 1.17(a)(1)-(4)) for the total number of months checked below:

	Extension (months)	Fee for other than small entity	Fee for small entity
[]	one month	\$ 110.00	\$ 55.00
[]	two months	\$ 400.00	\$ 200.00
[]	three months	\$ 920.00	\$ 460.00
[]	four months	\$ 1,440.00	\$ 720.00

Fee: \$ _____

If an additional extension of time is required, please consider this a petition therefor.

(check and complete the next item, if applicable)

- [] An extension for _____ months has already been secured. The fee paid therefor of \$ _____ is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request \$ _____

OR

- (b) [X] Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.

FEE FOR CLAIMS

4. The fee for claims (37 C.F.R. Section 1.16(b)-(d)) has been calculated as shown below:

(Col.1)	(Col. 2)	(Col. 3) SMALL ENTITY			OTHER THAN A SMALL ENTITY		
Claims Remaining After Amendment	Highest No. Previously Paid For	Present Extra	Rate	Addit. Fee	OR	Rate	Addit. Fee
Total	30	Minus	25	= 5	x \$9 =	\$	x \$18 = \$90.00
Indep.	5	Minus	5	=	x \$42 =	\$	x \$84 = \$
[] First Presentation of Multiple Dependent Claim				+ \$140 = \$			+ \$280 = \$
				Total Addit. Fee	OR	Total Addit. Fee	\$90

* If the entry in Col. 1 is less than the entry in Col. 2, write "O" in Col. 3,

** If the "Highest No. Previously Paid For" IN THIS SPACE is less than 20, enter "20".

*** If the "Highest No. Previously Paid For" IN THIS SPACE is less than 3, enter "3".

The "Highest No. Previously Paid For" (Total or Indep.) is the highest number found in the appropriate box in Col 1 of a prior amendment or the number of claims originally filed.

WARNING: *"After final rejection or action (Section 1.113) amendments may be made canceling claims or complying with any requirement of form which has been made." 37 C.F.R. Section 1.116(a) (emphasis added).*

(complete (c) or (d), as applicable)

(c) [] No additional fee for claims is required.

OR

(d) [X] Total additional fee for claims required \$90.00

FEE PAYMENT

5. [X] Attached is a check in the sum of \$ 90.00.
 Charge Account No. _____ the sum of \$ _____.
A duplicate of this transmittal is attached.

FEE DEFICIENCY

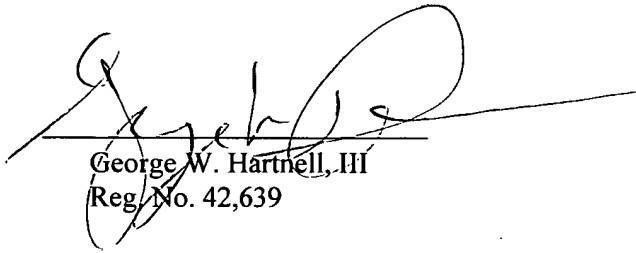
NOTE: If there is a fee deficiency and there is no authorization to charge an account, additional fees are necessary to cover the additional time consumed in making up the original deficiency. If the maximum, six-month period has expired before the deficiency is noted and corrected, the application is held abandoned. In those instances where authorization to charge is included, processing delays are encountered in returning the papers to the PTO Finance Branch in order to apply these charges prior to action on the cases. Authorization to charge the deposit account for any fee deficiency should be checked. See the Notice of April 7, 1986, (1065 O.G. 31-33).

6. [X] If any additional extension and/or fee is required, charge Account No. 04-1105.

AND/OR

- [X] If any additional fee for claims is required, charge Account No. 04-1105.

Respectfully submitted



George W. Hartnell, III
Reg. No. 42,639

Date: May 14, 2004 By:

Edwards & Angell, LLP
P.O. Box 55874
Boston, MA 02205
Tele: (617)-517-5523
Customer No.: 21,874

444459



Attorney Docket No. 56,520 (70904)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: M. Koden, et al. Confirmation No.: 7040
U.S.S.N. 09/937,796 Art Unit: 2872
FILED: January 28, 2002 Examiner: Lavarias, A.
FOR: OPTICAL CONTROL DEVICE AND METHOD OF DRIVING THE SAME

CERTIFICATE OF MAILING

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 on May 14, 2004.

By: 
Eileen M. Woodbury

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

RESPONSE TO OFFICE ACTION

The following is in response to the Official Action mailed March 16, 2004 in connection with the above-referenced application.

The Applicants believe that no extension of time is required since this response is being filed before the expiration of the specified time period. The Applicants, however, conditionally petition for an extension of time to provide for the possibility

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that such a petition has been inadvertently overlooked and is required. As provided below, charge Deposit Account **04-1105** for any required fee.

Please amend the subject application as follows:

IN THE CLAIMS

Please **amend** claims 1, 2, 11, 13, and 14 and **add** claims 26-30 in accordance with the Summary of the Claims section, *infra*. Deletions are shown with a strikethrough and added matter is shown with underlining.